



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/686,923

10/16/2003

Richard D. Bushey

286.043

7516

23598

7590

10/11/2005

BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C.
250 E. WISCONSIN AVENUE
SUITE 1030
MILWAUKEE, WI 53202

EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,923

Applicant(s)

BUSHEY, RICHARD D.

Examiner

Mark A. Williams

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,12,14,16,17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-8, 12, 14, 16, 17, 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because it is missing and has not been designated as being cancelled. Also, claim 21 depends from missing claim 20. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, the phrase “as to overlap and at least partially close an upper end of the cavity... the furniture leg received in the cavity” is not fully understood.

In claims 1, 12, and 19, it is not clear if applicant intends to claim the combination (furniture glide and furniture leg) or the subcombination (just the furniture glide). Applicant must amend the claims to be consistent with applicant's intent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5, 6-8, 12, 14, 16, 17, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt et al., US Patent 710,073, in view of Anson, US Patent 2,731,056. Pratt teaches a furniture glide for mounting on the terminal end of a furniture leg having an outer surface, comprising a base (*c, a, d*) having a generally arcuate lower surface for engaging a supporting surface; and a sleeve *a'* extending from the base along an axis and having an inner surface defining a cavity for receiving the furniture leg and terminating at an upper edge, a resilient projection and/or flexible depressions (inside cavity, as best seen in figure 1) extending radially inward from the upper edge of the sleeve for engaging the outer surface of the furniture leg and retaining the furniture leg in the cavity, the resilient projections spacing the furniture leg from the inner surface of the sleeve (recess regions between the projections) so as to inherently allow the furniture leg to be supported within the cavity at least a minimal acute angle to the axis. Backing layer *a* has a felt pad provided at element *d*, as claimed. The outer periphery of the

base can be interpreted as being affixed to the inner surface of the sleeve at a location adjacent the lower edge; and the outer periphery of the base can also be interpreted as being affixed to the outer surface of the sleeve at a location adjacent the lower edge.

Pratt teaches the claimed invention except explicit teaching of the plurality of resilient projections configured in relation to an upper limit or edge of the cavity as claimed. Anson teaches the general concept of inner projections at an upper limit or edge of a cavity, as claimed, for the purpose of retaining a cylindrical object therein. It would have been obvious at the time the invention was made for one skilled in the art to have modified the device of Pratt to include such a modification, as generally taught by Anson, for the purpose of providing an alternative means of retaining a furniture leg or like object therein.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 2, 5-8, 12, 14, 16, 17, and 19-23 have been considered but are moot in view of the new ground(s) of rejection. After careful consideration, it has been determined that the combination of Pratt et al. and Anson reads on most of the claims.


Conclusion


This action is non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
9/26/05 


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER